UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	
GARY BLACK and FLORENCE BLACK,) Case No. 10 Civ. 8359 (PGG)
Plaintiffs,))
- against -) ANSWER AND AFFIRMATIVE DEFENSES
BARNES BAY DEVELOPMENT LTD., KOR)
HOTEL MANAGEMENT, LLC, KOR REALTY	,)
GROUP, LLC, and BRADFORD KORZEN,	,)
Defendants.)
)

Defendant Kor Hotel Management, LLC (hereinafter "KHM"), by its attorneys, Eaton & Van Winkle LLP, which hereby appears in the above captioned action, for its Answer to the Complaint, alleges as follows:

- 1. Admits the allegations contained in Paragraph "1" of the Complaint.
- 2. Denies each and every allegation contained in Paragraph "2" of the Complaint.
- 3. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "3" of the Complaint.
- 4. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "4" of the Complaint.
- 5. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "5" of the Complaint.
- 6. Denies so much of Paragraph "6" of the Complaint as alleges that Defendant KHM is "doing and transacting business in the State of New York", and admits so much of Paragraph "6" of the Complaint as alleges that KHM is a limited liability company organized and existing under the laws of the State of Delaware.

- 7. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "7" of the Complaint.
- 8. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "8" of the Complaint.
- 9. Denies so much of Paragraph "9" of the Complaint as alleges that KHM engaged in the development of luxury hotels, and lacks knowledge or information to form a belief as to the truth of the allegations contained in Paragraph "9" of the Complaint relating to Defendant Realty.
- 10. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "10" of the Complaint relating to Defendant Realty and otherwise denies the allegations contained in Paragraph "10" of the Complaint.
- 11. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "11" relating to Defendants Korzen and Realty and otherwise denies the allegations contained in Paragraph "11" of the Complaint.
- 12. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "12" relating to Defendants Korzen and Realty and otherwise denies the allegations contained in Paragraph "12" of the Complaint.
- 13. As to Paragraph "13" of the Complaint, admits that Defendant KHM operates and promotes a group of luxury hotels with the brand name "Viceroy" and that a project in Anguilla was marketed under the name "Viceroy Anguilla," and otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "13".

- 14. Denies the allegations contained in Paragraph "14" of the Complaint except lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "14" relating to Defendants Korzen and Realty.
- 15. Denies of the allegations contained in Paragraph "15" of the Complaint except lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "15" relating to Defendants Korzen and Realty.
- 16. Lacks knowledge or information sufficient to form a belief to form a belief as to the truth of the allegations contained in Paragraph "16" of the Complaint.
- 17. Denies each and every allegation contained in Paragraph "17" of the Complaint as such denials are set forth hereinabove with the same force and effect as if set forth hereat in length.
- 18. Lacks knowledge or information sufficient to form belief to form a belief as to the truth of the allegations contained in Paragraph "18" of the Complaint.
- 19. Lacks knowledge or information sufficient to form belief to form a belief as to the truth of the allegations contained in Paragraph "19" of the Complaint.
- 20. Lacks knowledge or information sufficient to form belief to form a belief as to the truth of the allegations contained in Paragraph "20" of the Complaint.
- 21. Lacks knowledge or information sufficient to form belief to form a belief as to the truth of the allegations contained in Paragraph "21" of the Complaint.
- 22. Lacks knowledge or information sufficient to form belief to form a belief as to the truth of the allegations contained in Paragraph "22" of the Complaint.
- 23. Lacks knowledge or information sufficient to form belief to form a belief as to the truth of the allegations contained in Paragraph "23" of the Complaint.

- 24. Lacks knowledge or information sufficient to form belief to form a belief as to the truth of the allegations contained in Paragraph "24" of the Complaint except denies that Plaintiffs are entitled to any damages against Defendant KHM.
- 25. Denies each and every allegation contained in Paragraph "25" of the Complaint as such denials are set forth hereinabove with the same force and effect as if set forth hereat in length.
- 26. Denies so much of Paragraph "26" of the Complaint as it alleges that KHM "exercised complete domination and control over Banes Bay", and Lacks knowledge or information sufficient to form a belief to form a belief as to the truth of the allegations contained in Paragraph "26" of the Complaint as to Realty and otherwise denies the allegations contained in Paragraph "26" of the Complaint.
- 27. Denies each and every allegation contained in Paragraph "27" of the Complaint relating to Defendant KHM, and lacks knowledge or information sufficient to form a belief to form a belief as to the truth of the other allegations contained in Paragraph "27" of the Complaint.
- 28. Denies each and every allegation contained in Paragraph "28" of the Complaint relating to Defendant KHM, and lacks knowledge or information sufficient to form a belief to form a belief as to the truth of the other allegations contained in Paragraph "28" of the Complaint.
- 29. Denies each and every allegation contained in Paragraph "29" of the Complaint relating to Defendant KHM [TS1] and lacks knowledge or information sufficient to form a belief form a belief as to the truth of the other allegations contained in Paragraph "29" of the Complaint.

- 30. Denies so much of Paragraph "30" of the Complaint as alleges that KHM is "liable for all damages owed by Barnes Bay to plaintiffs", and lacks knowledge or information sufficient to form a belief to form a belief as to the truth of the other allegations contained in Paragraph "30" of the Complaint.
- 31. Denies each and every allegation contained in Paragraph "31" of the Complaint as such denials are set forth hereinabove with the same force and effect as if set forth hereat in length.
- 32. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "32" of the Complaint.
- 33. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "33" of the Complaint.
- 34. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "34" of the Complaint.
- 35. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "35" of the Complaint.
- 36. Lacks knowledge or information sufficient form a belief as to the truth of the allegations contained in Paragraph "36" of the Complaint.

FIRST AFFIRMATIVE DEFENSE

37. The Court lacks personal jurisdiction over Defendant KHM.

SECOND AFFIRMATIVE DEFENSE

38. The Complaint fails to state a claim upon which relief may be granted.against Defendant KHM.

THIRD AFFIRMATIVE DEFENSE

39. The action is barred by the applicable statutes of limitations.

FOURTH AFFIRMATIVE DEFENSE

40. The action should be dismissed on grounds of improper venue as this federal district is not a proper venue.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to properly mitigate its damages.

WHEREFORE, Defendant KHM prays that the Complaint be dismissed as to it in all respects and that the Court award KHM such other, further and different relief as may be just, proper and equitable.

Dated: New York, New York January 12, 2011

EATON & VAN WINKLE LILP

By: Robert N. Swetnick

Attorneys for Defendant

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